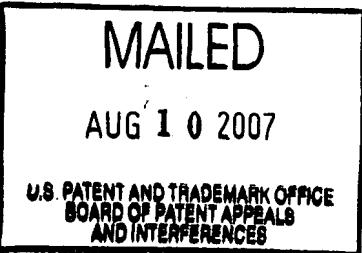


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

*Ex parte* KENT A. DICKEY  
AND MICHAEL L. ZIEGLER

Application 10/664,763



ORDER RETURNING UNDOCKETING APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 31, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

**EXAMINER'S ANSWER**

On January 24, 2006, an Examiner Answer was mailed. In the section entitled Evidence Relied Upon (pg. 2) the Examiner stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that references to Dickey US 6,651,193 and Gillett, Jr. US 6,295,585 were applied to the statement of rejections in the Grounds of Rejection, paragraph (9) of the Examiner's Answer.

Before further review, the Examiner must mail a PTOL-90 that will include in the amended Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) §1207.02. Appropriate correction is required.

**CONCLUSION**

Accordingly, it is **ORDERED** that the application is returned to the Examiner to:

- 1) issue and mail a PTOL-90 citing all references relied on in the rejection of the claims on appeal; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

*Patrick J. Nolan*  
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PATRICK J. NOLAN  
Deputy Chief Appeals Administrator  
(571) 272-9797

PJN/kis

CC: HEWLETT-PACKARD COMPANY  
INTELLECTUAL PROPERTY ADMINISTRATION  
P. O. BOX 272400  
FORT COLLINS, CO 80527-2400